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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/772,646

02/05/2004

Timothy S. Vraa

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07/07/2006

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EXAMINER

BAKER, CHARLOTTE M

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/772,646	VRAA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charlotte M. Baker	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 29-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Spurr et al. (6,106,166).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

**Regarding claim 29:** Spurr et al. disclose an apparatus (Fig. 6, photoprocessing apparatus 10) for utilizing sheet media; and a radio-frequency identification transceiver associated with the apparatus for communicating with a transponder (Fig. 6, transponder 54) associated with sheet media utilized by the apparatus (abstract, ln. 10-18), the transponder including a digital memory which stores digital data representing **one or more** of the following: media type information, media sheet count information, media performance information, media sensitometric information, messages for customers, sales or service personnel, upgrade software for the

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apparatus, software parameters for the apparatus, packaging recycle data, apparatus performance optimization information, or machine error information (transponder includes read/write memory which stores media type, (col. 11, ln. 10-19) (col. 12, ln. 30-64)).

**Regarding claim 30:** Spurr et al. disclose an apparatus (Fig. 6, photoprocessing apparatus 10) for utilizing sheet media; and a radio-frequency identification transceiver associated with the apparatus for communicating with a transponder (Fig. 6, transponder 54) associated with sheet media utilized by the apparatus (abstract, ln. 10-18), the transponder including a digital memory which stores digital data representing **one or more** of the following: messages for customers, sales or service personnel, upgrade software for the apparatus, software parameters for the apparatus, packaging recycle data, apparatus performance optimization information, or machine error information (col. 12, ln. 30-64) (col. 13, ln. 25 through col. 14, ln. 35).

**Regarding claim 31:** Spurr et al. satisfy all the elements of claim 30. Spurr et al. further disclose wherein the digital memory is a read-only or a read/write memory (abstract, ln. 7-10) (col. 10, ln. 63-67) (col. 12, ln. 22-35).

**Regarding claim 32:** Spurr et al. satisfy all the elements of claim 30. Spurr et al. further disclose wherein sheet media is contained in packaging and wherein the transponder is associated with the packaging (col. 2, ln. 37-46) (col. 12, ln. 22-64).

**Regarding claim 33:** Spurr et al. satisfy all the elements of claim 30. Spurr et al. further disclose wherein the apparatus is a printer for printing images on sheet media (col. 2, ln. 37-46) (col. 12, ln. 22-64).

**Regarding claim 34:** Spurr et al. satisfy all the elements of claim 30. Spurr et al. further disclose wherein sheet media is contained in packaging and the transponder (Fig. 6, transponder

54) is associated with the packaging (col. 2, ln. 37-46) (col. 12, ln. 22-64), and wherein the apparatus (Fig. 6, photoprocessing apparatus 10) includes a base for receiving sheet media contained in packaging, and wherein the transceiver (Fig. 6, transceiver 50) is located relative to the base such that when packaging containing the sheet media is received by the base, the transponder (Fig. 6, transponder 54) associated with the packaging is in proximity to the transceiver (Fig. 6, transceiver 50) (Fig. 6 and col. 8, ln. 32-40).

**Regarding claim 35:** Spurr et al. satisfy all the elements of claim 30. Spurr et al. further disclose wherein sheet media is contained in packaging and wherein the transponder (Fig. 6, transponder 54) is associated with the packaging (col. 2, ln. 37-46) (col. 12, ln. 22-64), and the packaging includes a resealable, removable cartridge containing sheet media, and wherein the apparatus includes a mechanism for opening and resealing the cartridge, so that the cartridge can be removed and replaced in the apparatus when less than all of the sheet media are removed from the cartridge (col. 7, ln. 33-66 and col. 8, ln. 51-60).

**Regarding claim 36:** Spurr et al. disclose a printer apparatus (Fig. 6, photoprocessing apparatus 10) for printing images on sheet media; and a radio-frequency identification transceiver associated with the printer apparatus for communicating with a transponder (Fig. 6, transponder 54) associated with sheet media utilized by the printer apparatus (abstract, ln. 10-18), wherein the transponder includes a memory which stores digital data representing **one or more** of the following: messages for customers, sales or service personnel, upgrade software for the printer apparatus, software parameters for the printer apparatus, packaging recycle data, apparatus performance optimization information, or machine error information (transponder stored a

unique transponder ID, col. 10, ln. 63-67) (transponder stores packaging manufacturing history, col. 12, ln. 40-64).

**Regarding claim 37:** Spurr et al. satisfy all the elements of claim 36. Arguments analogous to those stated in the rejection of claim 31 are applicable.

**Regarding claim 38:** Spurr et al. satisfy all the elements of claim 36. Spurr et al. further disclose wherein the printer apparatus prints images on sheet media contained in packaging and wherein the transponder is associated with the packaging (col. 2, ln. 37-46 and col. 12, ln. 22-64).

**Regarding claim 39:** Spurr et al. satisfy all the elements of claim 38. Arguments analogous to those stated in the rejection of claim 34 are applicable.

**Regarding claim 40:** Spurr et al. satisfy all the elements of claim 38. Arguments analogous to those stated in the rejection of claim 35 are applicable.

**Regarding claim 41:** Spurr et al. satisfy all the elements of claim 36. Spurr et al. further disclose wherein the transponder (Fig. 6, transponder 54) stores relevant digital data that is communicable to the transceiver (Fig. 6, transceiver 50) and some of which can be used to control the sheet media printing process of the printer apparatus (col. 10, ln. 63 through col. 11, ln. 19).

**Regarding claim 42:** Spurr et al. disclose a printer apparatus (Fig. 6, photoprocessing apparatus 10) for printing images on sheet media, the printer apparatus having a source of digital images (col. 8, ln. 3-20), a supply for receiving printable sheet media (col. 7, ln. 36-49), and an image printer for printing a representation of a digital image from the source on a printable sheet media from the supply (col. 7, ln. 31-49); and a radio-frequency identification transceiver (Fig. 6,

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transceiver 50) associated with the printer apparatus (Fig. 6, photoprocessing apparatus 10) for communicating with a transponder (Fig. 6, transponder 54) associated with the printable sheet media placed in the supply (col. 10, ln. 53-67), wherein the transponder (Fig. 6, transponder 54) includes a digital memory which stores digital data representing one or more of the following: messages from customers, sales or service personnel, upgrade software for the printer apparatus, software parameters for the printing apparatus, packaging recycle data, apparatus performance optimization information, or machine error information (transponder includes read/write memory which stores media type, (col. 11, ln. 10-19) (col. 12, ln. 30-64)).

**Regarding claim 43:** Spurr et al. satisfy all the elements of claim 42. Arguments analogous to those stated in the rejections of claims 31 and 37 are applicable.

**Regarding claim 44:** Spurr et al. satisfy all the elements of claim 42. Arguments analogous to those stated in the rejection of claim 38 are applicable.

**Regarding claim 45:** Spurr et al. satisfy all the elements of claim 44. Arguments analogous to those stated in the rejection of claim 39 are applicable.

**Regarding claim 46:** Spurr et al. satisfy all the elements of claim 44. Arguments analogous to those stated in the rejection of claim 40 are applicable.

**Regarding claim 47:** Spurr et al. satisfy all the elements of claim 42. Arguments analogous to those stated in the rejection of claim 41 are applicable.

**Regarding claim 48:** Spurr et al. satisfy all the elements of claim 42. Spurr et al. further disclose wherein the sheet media is heat processible photosensitive media and wherein the printer apparatus includes a processor for heat processing the media (which reads on using chemical baths) (col. 7, ln. 31-49).


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CMB

  
**KIMBERLY WILLIAMS**  
**SUPERVISORY PATENT EXAMINER**